



**State of Florida
Department of Children and Families**

Rick Scott
Governor

David E. Wilkins
Secretary

Vicki Abrams
*Regional Managing Director
Northwest Region*

November 30, 2011

CERTIFIED MAIL [REDACTED]
RETURN RECEIPT REQUESTED

Rose and Tony Sanders
[REDACTED]

Re: Revocation of foster home license for Rose and Tony Sanders
through CHIPS Child Placing Agency

Dear Mr. and Mrs. Sanders:

This letter is to notify you that the Department of Children and Families has reviewed your licensing file and made a determination to revoke your license based on the findings of investigation # 2011-119888, prior investigations, prior counselor review forms and additional special training previously given to you regarding [REDACTED]. Based on the documentation reviewed, it has been determined that this decision is appropriate based on the following reasons:

[REDACTED]

There is a prior special condition referral # 2010-025404 from Foster Care [REDACTED]

[REDACTED]

Circuit 1 * 160 Governmental Center, Suite 611 * Pensacola, Florida 32502-5734

**Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery and Resiliency**

On November 10, 2010, Mr. and Mrs. Sanders again signed and dated the Bilateral Service Agreement. The Bilateral Service Agreement is outlined in Florida Administrative Code 65C-30.001(11). "Bilateral Service Agreement" means a written agreement between licensed out-of-home caregivers and the supervising agency representative that specifies each party's duties and responsibilities to children served and to the department and/or child-placing agency.

Foster Parent Responsibilities to the child include: (n) to adhere to the department's safety and discipline policies, see Attachment A. Failure to comply with the department's safety and discipline policies may result in the removal of the children from the home. And (r), they must notify the department immediately if the child needs medical attention for sickness, injuries or significant changes in the child's health.

Also, Florida Administrative Code 65C-13.029(1)(a) states "All children in the home shall be protected from exploitation, neglect, and abuse," and (1)(g)11.e.(IV) states "Licensed out-of-home caregivers shall not use corporal punishments of any kind."

Further, Florida Administrative Code 65C-13.035(3)(a) states "If licensing violations are found such that the child's physical, mental, or emotional health is significantly impaired or is in danger of being significantly impaired, the licensing counselor shall consult with his or her supervisor and the child's services worker for an immediate review of the safety of any children placed in the home."

The above violations have resulted in the decision to revoke your license.

IF YOU BELIEVE THE DEPARTMENT'S DECISION IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT WITHIN 21 DAYS OF YOUR RECEIPT OF THIS NOTICE. FAILURE TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE 21 DAYS PROVIDED SHALL CONSTITUTE A WAIVER OF THE RIGHT TO A HEARING.

You may submit your request for an administrative hearing to the Department at the following address:

Assistant Regional Counsel
Florida Department of Children and Families
160 Governmental Center, Suite 601
Pensacola, Florida 32502-5734

Please note that a request for an administrative hearing must comply with section 120.569(2)(c), Florida Statutes, and Rules 28-106.201(2), Florida Administrative Code. Those provisions, when read together, require a petition for administrative hearing to include:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material facts. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

Section 120.569, Florida Statutes, and Rule 28-106.201(4), Florida Administrative Code, require that a petition be dismissed if it is not in substantial compliance with the above requirements.

Mediation as described in Section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation does not result in a settlement.

Sincerely,



Melissa Sidoti
Family Safety Program Manager
Northwest Region

Enc.:
Bilateral Service Agreement
Florida Administrative Code 65C-30.001(11)
Florida Administrative Code 65C-13.029
Florida Administrative Code 65C-13.035(3)(a)

REQUEST FOR ADMINISTRATIVE HEARING

Petitioner's Name: _____

Petitioner's Address: _____

Petitioner's Telephone Number: _____

Name, Address and Telephone Number of Petitioner's Representative, if any:

Petitioner received notice by letter on _____ advising of the right to request an
Administrative Hearing regarding the _____

State Agency's Name: Department of Children and Families, Circuit One
State Agency's Address: 160 Governmental Center, Pensacola, FL 32502

Check One:

Petitioner ☐ DOES ☐ DOES NOT dispute the facts upon which the Agency relied on in
making its decision to deny the exemption.

If Petitioner disputes the facts as stated by the Agency, the facts in dispute must be listed below:

If Petitioner disputes the facts upon which the Agency relied, Petitioner must state the facts as Petitioner believes them to be:

Explain how Petitioner's substantial interests are or will be affected by the Agency's decision:

Petitioner wants the Agency to take the following action in this matter:

Petitioner's Signature

Date

(Attach additional sheets if more space is needed.)

Revised October 2002



BILATERAL SERVICE AGREEMENT

Purpose:

The purpose of this Agreement is to identify the expectations for both foster parents and the Department of Children and Families on behalf of the children and families that are served in the foster care program. Note: for this agreement, Department means Family Safety staff, Lead Agency Staff, Contract Case Management staff or Contract Licensing staff. This agreement reflects standards of care that are current requirements in Florida Administrative Code, which are based on statutory authority found in section 409.175, Florida Statutes. The premise of this agreement is that the department and foster parents must work as partners to assure safety, to provide for the physical and mental well being and to obtain permanency for each child.

Department Responsibilities to foster parents include:

- a. To treat foster parents with courtesy, respect and as an important team member.
- b. To show support by responding within 24 hours to telephone messages and written correspondence.
- c. To the fullest extent possible, to schedule all meetings with the foster parents at mutually convenient times.
- d. To provide or arrange for training opportunities that are offered at a time and location that are as convenient as possible for foster parents.
- e. To meet, address and resolve complaints regarding foster parents or disputes between the foster parents and the department, if necessary.
- f. To notify foster parents within 2 working days when a new Family Services counselor is assigned to children in their home. To provide the new counselor's name, work phone number, an after-hours phone number and the counselor's supervisor's name and telephone number.
- g. To provide at least once a year, performance feedback through the use of the Family Services Counselor's Review of Foster Parent(s) Performance form, CF-FSP 5223 and The Quality of Foster Care Home: Community Input form, CF-FSP 5225. The Child exit interviews completed during the year will be included as part of the performance review.
- h. To discuss prior to placement of a child, the information in the Child Service Agreement, and upon placement to provide a copy of the Child Service Agreement.
- i. To provide the child's Resource Record to the foster parents no later than 72 hours after placement. To provide updated information to the foster parent in a timely manner.
- j. To provide the case plan, which is a record of services to for the child and family, within 72 hours of placement of the child or within 24 hours of acceptance of the case plan by the court.
- k. To provide a board payment for each child placed in the home based on the established rate structure. Payments will be made each month in a prompt fashion.
District anticipated payment date: _____
- l. To provide each year, a clothing payment based on the established rate for new clothing and shoes for the child.
- m. To provide the foster parents a minimum of one face to face visit every calendar month by the child's Family Services counselor when there is a foster child in the home. This visit must take place in the foster parents' home. The visits may need to take place more frequently if the foster parents and/or child are experiencing difficulties.

- n. To provide the foster parents who are caring for a child on shelter status a minimum of one home visit per calendar week by the counselor.
- o. To ask for the opinions and ideas of the foster parents when preparing updated case plans, during monthly visits to the home, case plan meetings, departmental staffings, court hearings and any other forum in which the foster child is discussed.
- p. To provide notice of all court hearings and departmental staffings, pertaining to children in their care, at least 72 hours prior to the meeting or hearing.
- q. If available, respite care will be provided by the department with a 30-day notice when either the foster parents or the department requests such service. Emergency respite care shall be provided by the department when requested by the foster parent(s).

Foster Parent Responsibilities to the child include:

- a. To make a commitment to work with the child for the length of time necessary before the child goes to a permanent home.
- b. To provide acceptance and care to the child by praising the child often, showing appropriate emotional responses, listening to the child's feelings and asking for the child's opinions.
- c. To treat the child as if the child is their own. The child must receive the same food as the rest of the family, should be taken on family outings, and vacations and should be shown the same amount of time, interest, and patience the rest of the family receives.
- d. To ensure that the child has supervision appropriate to his/her age and/or developmental level.
- e. To assist in setting up visits with the child's parent(s) or relatives.
- f. To never make negative statements about a child's family.
- g. To work with the child, parents, department, and significant others to ensure that the child has a smooth transition when he/she returns to family or is placed in another permanent home or interim placement.
- h. To transport and accompany the child to medical, dental, mental health appointments and visits with parents and relatives.
- j. To provide the child his/her monthly spending allowance which is included in the board payment.
- k. To buy the child clothing and necessary toiletries with the monthly board rate and clothing allowance as referenced in the Child Service Agreement, CF-FSP 5227.
- l. To keep an inventory of all belongings the child brought to the home as well as those purchased or subsequently obtained for the child. These belongings must go with the child when they leave the foster home.
- m. To support and encourage the religious beliefs, ethnic heritage and language of the child and the child's family. If the child wishes to attend cultural events or religious services, the foster parents will provide or arrange transportation.
- n. To adhere to the department's safety and discipline policies, see Attachment A. Failure to comply with the department's safety and discipline policies may result in the removal of children from the home.
- o. To give the child medication in the dosage and duration as prescribed by a doctor or psychiatrist and keep thorough documentation in the Child Resource Record.
- p. To enroll each school age child in school within three school days of child's placement in the home. To request assistance from the department if there are problems.

- q. To inform the school in writing that they (foster parents) wish to be notified and participate in Individual Education Plan meetings, school activities and conferences.
- r. To encourage and facilitate parental participation in school activities, including Individual Education Plan meetings, conferences, etc. (Unless parents' rights have been terminated, the parents have the right to give school-related consents.)
- s. To attend and take part in court hearings, and other staffings concerning the child and the child's family.
- t. To promote the following conditions for the child in the home:
 - 1. Opportunities and encouragement to communicate and have contact with family members, friends and other people important to the child. The only exception is when the court specifically bars contact with an individual.
 - 2. Respect for the child's body, person, possessions, bed and personal space.
 - 3. Encouragement and assistance in decorating his/her room with items that reflect the child's interests, heritage, culture, family and individual personality.
 - 4. Opportunities to develop interests and skills through participation in school and community activities, such as music, art, sports and special interest clubs.
 - 5. Encouragement and support in making new friends and maintaining past friends who have a positive relationship with the child.
 - 6. Encourage the child's sense of pride and accomplishment in his/her abilities when goals are achieved. Provide special recognition and praise when the child does something important for their progress and well being.
 - 7. Provide the child with suitable clothing, is appropriate for the weather, and appropriate for the age of the child. Whenever reasonable, the child's preferences in clothing should be considered.

Foster Parent Responsibilities to the department include:

- a. To treat department staff, the child's family, and Guardian ad Litem, etc. with respect and courtesy.
- b. To complete the Foster Parent's Review of Family Services Counselor Performance form, CF-FSP 5224 as requested for children who were in the home 30 days or more.
- c. To take part in at least eight hours of yearly in-service training approved by the department.
- d. To notify the department immediately of a potential change in address, living arrangements, marital status, family composition (who is in the home), employment, significant health changes or any other condition that may affect the child's well-being.
- e. To notify the department promptly of all contacts the family or any member of the home has with police or any law enforcement agencies.
- f. To take only the department's children into care and make no plans for allowing other children or adults to reside in the home, without prior approval is given by the department.
- g. To be available 24 hours per day seven days per week to receive children if the home is licensed as an emergency shelter home.
- h. To accept the direction and supervision given by department in caring for the child.
- i. To accept the board payment per month as shown in the Child Service Agreement, CF-FSP 5227.

- j. To use the clothing allowance referred to in Child Service Agreement, CF-FSP 5227, to buy the child clothes and shoes.
- k. To obtain authorization from the department prior to spending money if repayment is expected.
- l. To hold confidential all information about the child and the child's family and discuss the information only with a department staff member or a specialist (i.e., doctor, psychiatrist, therapist) working with the child.
- m. To keep the Child's Resource Record up-to-date (including the quarterly photograph of the child provided by the department).
- n. To allow the child to be removed from the foster home only by a department staff member, Guardian ad Litem, or another party granted permission by the department or the court. To verify the identify and authority of staff and other parties when not known to the foster parent.
- o. To obtain prior approval for the movement of the child to another home for the purpose of respite.
- p. To know where and with whom the child is staying and the type of supervision the child is receiving when foster parents approve an outing or overnight activity. Children may not remain in an unlicensed setting for any time other than a planned, supervised outing or overnight activity without the explicit approval of the department.
- q. To take the following actions if the child is missing or has runaway:
 - 1. Immediately notify law enforcement to report a missing child or run away
 - 2. Notify the department that the child is missing or runaway
 - 3. Check to see if any personal belongings are gone
 - 4. Write down what the child was last seen wearing, if the child has any identifying marks, if the child has any medical or physical conditions that require immediate attention
 - 5. Locate a recent photograph of the child
 - 6. Contact friends, teachers or employers to see if they have knowledge of where the child is
 - 7. Once a missing person report is taken the foster parent must record the case number, obtain a copy of the report (if available) and provide them to the department
- r. To notify the department immediately if the child needs medical attention for sickness, injuries or significant changes in the child's health.
- s. To immediately notify the department of any sexually inappropriate action or behavior by the foster child.
- t. To work with the department to meet the needs of the child by attending scheduled meetings to discuss the child and his/her family.
- u. To work with the department in planning for the child, which may include transfer to an adoptive placement or return to parent(s) or relative(s) or becoming an adoptive placement.
- v. To refrain from engaging in any legal action to acquire custody of the child without the department's consent. Adoption by a child's foster parents is often the best choice for finding a permanent home for a child when reunification is not an option. In these situations the foster parents and the department will work together to achieve this goal.
- w. To notify the department if any Family Services Counselor with a child in the home does not make a visit each calendar month. Notification should be made by calling 1 800 FLA-FIND.
- x. To not sign blank or incomplete visitation forms or to falsify any record on which the department relies. (Such action may result in the foster care license being revoked)

The department may remove the child from the foster home at anytime but will, whenever possible, give a two-week notice. Foster parents may request the department to remove a child from the home, but will, whenever possible, give the department at least a two-week notice, except when the child poses a threat to himself, herself or others, or a crisis in the foster family compromises the foster care parents' ability to care for the child.

Non-compliance with any of the above provisions may result in administrative action by the Department which could include, corrective action, suspension, revocation or denial of further licensure pursuant to Chapter 120, Florida Statutes.

Attachment A Safety Policies:

1. Swimming pools must have a barrier on all four sides of at least four feet. The barrier may consist of a house plus a fence on the remaining three sides or a four-sided fence. All access through the barrier must have one of the following safety features: alarm, key lock, self-locking doors or a bolt lock that is not accessible to children. When the swimming pool is not in use, all entry points must be locked. Above ground pools must have steps or ladders leading to it secured, locked, or removed when the pool is not in use. Hot tubs and spas shall be required to have a safety cover that is locked when not in use. Swimming pools must be equipped with one of the following life saving devices:
 - (1) Ring buoy;
 - (2) Rescue tube; or
 - (3) Other appropriate flotation device with a rope attached which is sufficient length to cover the area.
2. All medications, poisonous chemicals, and cleaning materials must be in a locked place and inaccessible to children.
3. Alcoholic beverages should be stored out of the reach of small children. To avoid access to alcoholic beverages by older children, it is recommended that these beverages be kept in a locked place.
4. If the substitute care parents own a gun, the ammunition and unloaded firearm must be kept separately in locked cabinets.
5. Pets in the home must be vaccinated and their vaccinations must be current.
6. The home must be safe from fire hazards. All combustible items must be stored away from sources of heat. The home must not be heated by unvented gas.
7. All fireplaces, space heaters, steam radiators, and hot surfaces must be shielded against accidental contact. The substitute care parents must have an evacuation plan posted in a conspicuous place and must share it with each child. The substitute care parents must conduct periodic fire drills to make sure all the children understand the procedures. Fire drills should be held at least every six months. The date of the fire drill should be recorded and reviewed at the time of relicensure.
8. If the home is equipped with burglar bars, the caregiver must demonstrate that:
 - (a) The burglar bars can be released to allow exit; or
 - (b) That other means of exit are readily available from each sleeping area.
9. Substitute parents must have transportation available 24 hours a day. All vehicles used to transport children must be in safe condition, in compliance with applicable motor vehicle laws of the state, and equipped with seat belts and approved car seats for children under the age of four years.

Attachment A Discipline Policies:

1. The foster parents must discipline children with kindness, consistency, and understanding, and with the purpose of helping the child develop responsibility with self-control.
2. The foster parents must help each child learn that he/she is responsible for his/her behavior by teaching him the natural and learned consequences of his/her behaviors.
3. Foster parents must use positive methods of discipline, including the following:
 - (I) Rewarding/praising acceptable behavior.
 - (II) Verbal disappointment of the child's behavior.
 - (III) Loss of privilege(s).
 - (IV) Grounding, restricting the child to the house or yard, or sending the child out of the room and away from the family activity; and
 - (V) Redirecting the child's activity, for example, if a child is playing with a sharp object take the object away, and replace it with a safe toy.
4. The foster parents must not allow children in care to be subjected to verbal abuse, derogatory remarks about themselves and family members.
5. The foster parents must not subject children to cruel, severe, humiliating or unusual punishment, for example, to use soap to wash out the mouth, eating hot sauces or pepper, placing in hot water, kneeling on stones, etc.
6. The foster parents must not use corporal punishment of any kind.
7. The foster parent must not delegate discipline of a foster child to another child or to an adult not known to the child.
8. The foster parents must not withhold meals, clothing, or shelter as a form of punishment.
9. The foster parents must not punish children for bed-wetting or errors that occur during the toilet training process.
10. The foster parents must not resist implementation of the case plan as punishment for misdeeds of a child.
11. The foster parents must not deny a child contact or visits with his family as punishment.
12. Foster parents may assign additional routine home chores as the consequence of misbehavior, although these chores must not involve physical exercise so excessive as to endanger the child's health, or so extensive as to interfere with time set aside for school work, sleeping, or eating.
13. The foster parent(s) must not threaten a child with removal from the home or with a report to authorities as punishment for behavior. Threatening the child with removal plays into the child's conviction that they are doomed to a series of placements and rejections. The Family Services counselor's task is to identify the child's specific behaviors which are causing the substitute parent to request the child's removal. Once problems are identified, the Family Services counselor along with the substitute parents and child assess ways to correct the problem. If problems are not corrected and the substitute family continues to request removal, a conference should be held by the Family Services counselor with the substitute family and child to discuss the possibility of removal and replacement. Involving the child in the planning may help him/her feel he/she has some control of his/her life.

INSTRUCTIONS FOR COMPLETING THE BILATERAL SERVICE AGREEMENT

The Bilateral Service Agreement is for use between the Department, a Community Based Care Lead Agency, or a Contract Case Management Provider and a Foster Parent.

The licensing counselor must:

A. At Initial Licensure

1. Review the Bilateral Service Agreement with each newly licensed foster parent, secure the signature of each parent on the document, and sign the agreement on behalf of the department.
2. File the original agreement in the licensing file and provide a copy to the foster parent(s).
3. Provide a copy of the following documents to the foster parent and explain each:
 - A. Attachment A: Safety and Discipline Policies
 - B. Family Services Counselor's Review of Foster Parent(s) Performance, CF-FSP 5223
 - C. Foster Parent's Review of Family Services Counselor Performance, CF-FSP 5224
 - D. Quality of Foster Home: Community Input, CF-FSP 5225
 - E. Child Service Agreement, CF-FSP 5227

B. At Re-licensure

1. Review the Bilateral Service Agreement with each foster parent at the time of re-licensure, ask for comments and concerns, secure the signature of each parent on the Re-Licensure Bilateral Service Agreement Signature Page, and sign the document on behalf of the department.
2. Address any concerns/issues noted by the family.
3. File the original in the licensing file, and provide a copy to the foster provider.
4. Provide a copy of the Family Services Counselor's Review of Foster Parents Performance form to each counselor who has worked with a child in the home during the past year.
5. Review the input provided and address concerns as needed. File the completed forms in the licensing file.
6. Provide copies of the Quality of Foster Home: Community Input form, to individuals within community who have interacted with the child and/or foster provider within the past year. (Examples: GUARDIAN AD LITEM, service providers, school, etc)
7. Review the input provided and address concerns as needed. File copies of completed forms in the licensing file.

Any Counselor who places a child must:

A. At the time of placement of a child:

1. Complete the Child Service Agreement.
2. Ask the foster parents to sign and date the agreement.
3. Sign and date the agreement on behalf of the agency.
4. Provide a copy to the foster parents and place the original in the child's case file.

B. At the time a child leaves a foster home:

1. Provide a copy of the Foster Parent's Review of the Family Services Counselor's Performance form to the foster parent(s) at the time a child departs from the home (for a children in the home for 30 days or more) and request that it be completed and mailed to the Family Services counselor's supervisor.

The completed form must be reviewed by the Family Services counselor's supervisor for feedback and to address concerns, and then placed in the counselor's file



FLORIDA DEPARTMENT OF
**CHILDREN
& FAMILIES**

BILATERAL SERVICE AGREEMENT SIGNATURE PAGE

To Be Used at Each Relicensure

Foster Father's Signature

10 Nov 10

Date

Foster Mother's Signature

10 Nov 10

Date

Department Representative Signature

Nov. 10, '10

Date

Head TFC Specialist

Title

COMMENTS:

65C-13.035 Administrative Actions, Appeals and Closures.

(1) General Information. All licensing action negatively impacting an out-of-home caregiver, including a denial, suspension or revocation, is subject to the procedures set forth in Section 120.60, F.S. The department is the licensing authority for all family foster homes and has final authority for approval, denial or suspension of any license.

(2) Denial of Initial Licensure.

(a) The department shall have ninety days following receipt of a complete application packet to grant or deny the application in accordance with Section 120.60, F.S.

(b) If the supervising agency determines that the applicant should not be licensed, the applicant shall be notified in writing within ten working days of the determination, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S. The applicant shall be afforded the opportunity to withdraw the application. If the applicant elects to withdraw the application, this must be documented in writing in the licensing file.

(c) If the applicant does not withdraw the application, the supervising agency shall provide to the department sufficient information to support the recommendation of the denial. When the department determines that the license should be denied, it shall notify the applicant in writing within ten working days of the decision, identifying the reasons for the denial, the statutory authority for the denial and the applicant's right of appeal pursuant to Chapter 120, F.S.

(3) Administrative Action for Existing Foster Homes.

(a) If licensing violations are found such that the child's physical, mental, or emotional health is significantly impaired or is in danger of being significantly impaired, the licensing counselor shall consult with his or her supervisor and the child's services worker for an immediate review of the safety of any children placed in the home.

(b) Foster Care Referrals regarding concerns about the care provided in a licensed foster home, group home or emergency shelter which do not meet the criteria for acceptance of a report of abuse, neglect or abandonment, such as the use of corporal punishment not resulting in marks, bruises or injury shall be documented in the statewide automated child welfare information system and transmitted to the county where the child is currently located for assessment by the supervising agency's licensing staff. Foster Care Referrals or Special Conditions reports involving Child on Child Sexual Abuse allegations must be handled according to Rule 65C-29.007, F.A.C. If it is determined that child on child sexual abuse has occurred or if the report is closed with "some indicators", meaning that there is credible evidence, which does not meet the evidentiary requirements, to support that the specific injury, harm or threatened harm was the result of abuse or neglect, of child on child sexual abuse the following must occur:

1. The services worker, supervising agency licensing staff and the licensed out-of-home caregiver must cooperatively develop a plan on how to manage the sexually aggressive child that is preventative in nature, but includes the child in family living;

2. The services worker must ensure that a child who sexually abuses or victimizes other children is the youngest child placed in the home, giving consideration also to other children's vulnerabilities such as mental and physical handicaps, etc., and document assessment and actions taken in the child's case file and the licensing file; and

3. The supervising agency staff in consultation with the department's licensing staff, the child's services worker and others involved in the child's case plan shall determine if the sexually aggressive child will remain in the home and under what conditions, or if another placement is necessary and document the decision-making process in the children's case files and the licensing file.

(c) If licensing violations are found which do not pose an immediate threat to the health, safety or welfare of the children, the supervising agency shall prepare a written corrective action plan to correct the deficiencies. The plan shall be developed by the supervising agency in conjunction with the licensed out-of-home caregivers and shall be approved by the department.

(d) Written notification shall be sent to the licensed out-of-home caregiver that specifies the deficiency, expected corrective action, time frame for completion, and that failure to comply within the time frame specified shall result in the license being suspended, denied, or revoked. The approved corrective action plan shall be put in

writing and hand delivered or sent by certified mail, return receipt requested, to the licensed out-of-home caregiver. The signed return receipt shall be placed in the licensing file.

(e) Corrective action plans shall be prepared for a licensed out-of-home caregiver who appears to have the ability to understand and correct the infraction. Corrective action plans do not apply to a caregiver who has developed a pattern of deficiencies that has not been rectified by prior attempts at corrective action. In these cases, the supervising agency shall work with the licensing authority, the department's legal counsel and lead agency to determine whether action should be taken to suspend, deny or revoke the license.

(f) Failure of the licensed out-of-home caregiver to timely comply with the corrective action plan may result in suspension, denial of re-licensure, or revocation of the license.

(g) The licensed out-of-home caregiver shall be given notice if the supervising agency determines that it cannot recommend re-licensure.

(h) If the licensed out-of-home caregiver disagrees with the supervising agency's recommendation, he or she may still request renewal of the license. The supervising agency shall accept the application and refer the licensed out-of-home caregiver's file to the department with a recommendation for denial.

(i) A decision to revoke, suspend, or deny further licensure is made after a review is done in conjunction with the department's legal counsel, supervising and lead agencies. Written notification by certified mail shall be provided to the licensee. The notice shall include the statutory and rule violations that were found, shall advise of the action to be taken, and the right to challenge the action through an administrative proceeding as provided in Chapter 120, F.S.

(4) Documentation Requirements Prior to Administrative Action.

Before making a determination that a license shall be denied, suspended or revoked, the following shall be documented in the licensing file:

(a) All qualifying abuse reports and all reports of licensing violations and the outcome of the investigation(s);

(b) List of all deficiencies or conditions, other than abuse or neglect of the children, which compromise the safety or well-being of the children;

(c) The length of time and frequency of the noncompliance with the licensing requirements or deficiencies in caring for children;

(d) The date of written notification to the licensee as to the deficiency and time given to the licensee to correct the deficiency;

(e) The licensing staff's efforts to help the licensee to come into compliance;

(f) Barriers, if any, which prohibit the licensee from correcting the deficiencies;

(g) All license revocations and denials shall comply with requirements of Chapter 120, F.S.; and

(h) All documentation shall be reviewed with the department's legal counsel. The notice of revocation or denial shall not be sent to the out-of-home caregiver without approval of both the department's legal counsel and the licensing authority.

(5) Voluntary Closures.

(a) The supervising agency shall conduct an exit interview with licensed out-of-home caregivers who are closing. This interview is an opportunity to explore any recommendations for improvement that the licensed out-of-home caregiver may be willing to share.

(b) The supervising agency shall document the reason for closure and whether re-licensing would be recommended.

(c) If re-licensing would not be recommended, the licensing file shall clearly document the reasons re-licensing is not appropriate.

(d) If the closure is voluntary and in lieu of revocation or denial of a license, the supervising agency shall document the reason for the denial.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History-New 4-6-08.

65C-13.029 Licensed Out-of-Home Team Member Roles.

(1) Responsibilities of the Licensed Out-of-Home Caregiver to the Child.

(a) All children in the home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect including incidents of child-on-child sexual abuse shall be reported immediately to the Florida Abuse Hotline.

(b) The child must be assisted in understanding and accepting who he or she is, and helped to deal with any feelings about his or her legal parents and the circumstances which brought him or her into out-of-home care.

(c) Licensed out-of-home caregivers shall provide a loving environment, acceptance, and care to a child without expecting a demonstration of appreciation from the child.

(d) Licensed out-of-home caregivers shall provide the child with opportunities for normal growth and development.

(e) Licensed out-of-home caregivers shall accept the direction and supervision given by the department or supervising agency in caring for the children.

(f) Licensed out-of-home caregivers shall promote the following conditions for the child in the home:

1. Opportunities and encouragement to communicate and have contact with family members, friends, and other people important to the child. The only exception is when the court specifically bars contact with an individual;

2. Respect for the child's body, person, possessions, bed and personal space;

3. Opportunities to develop interests and skills through participation in school and community activities;

4. Encourage and support the child in making new friends and maintaining past friends who have had a positive relationship with the child;

5. Licensed out-of-home caregivers shall keep records of school reports.

6. Licensed out-of-home caregivers shall never make negative statements about a child's family and shall work to preserve the child's cultural history and family connections.

7. Licensed out-of-home caregivers should work in partnership with the child's services worker in maintaining awards, special recognitions, family photos, and other items that will help the child maintain a sense of his or her identity and connections.

(g) Family Care Activities and Daily living tasks.

1. Licensed out-of-home care providers are expected to provide supervision, structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in their home according to each child's age and developmental level.

2. Licensed out-of-home care providers shall assist the children in performing tasks and developing skills, which will promote their independence and the ability to care for themselves.

3. Licensed out-of-home caregivers will help children in their care maintain a sense of their past and a record of their present.

4. Licensed out-of-home care providers may expect children in care to assume household chores reasonable for their age and ability but not to exceed those expected of their own children.

5. Children in out-of-home care shall be provided information as appropriate to their age and maturity level, concerning drug and alcohol use and abuse, teen sexuality issues, runaway prevention, health services, community involvement, knowledge of available resources, and in identifying legal issues. These opportunities shall not be withheld as a form of discipline.

6. Children in licensed out-of-home care shall be encouraged and assisted in participating in activities such as having his or her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events. Children shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as they are not identified as foster children. Confidentiality requirements for department records shall not restrict the children's participation in customary activities appropriate for the child's age and developmental level.

7. Children in licensed out-of-home care shall be afforded every opportunity for social development, recreation, and normalization of their lives. Children in licensed out-of-home care may attend overnight or planned outings if

such activities are determined to be safe and appropriate by the licensed out-of-home caregiver. The services worker shall be available for consultation and must be notified of the activity.

8. Licensed out-of-home caregivers shall be as diligent in determining approval for such events as he or she would for his or her own children. Licensed out-of-home caregivers shall use their parenting skills to familiarize themselves with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity safely and appropriately.

9. The licensed out-of-home caregiver may allow foster children to experience circumstances without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions. The licensed out-of-home caregiver's familiarity with the child and the circumstances in which the child shall be unsupervised shall be the primary factors in the decision-making. The licensed out-of-home caregiver is ultimately responsible for the supervision of the child. Therefore the licensed out-of-home caregiver shall be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.

10. The licensed out-of-home caregiver shall have knowledge of where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving an outing or overnight activity. The licensed out-of-home caregivers should meet the adult who will be supervising prior to allowing the child to spend the night away from their licensed placement or exercise the same reasonable and prudent decision-making they would use in making this decision for their own children. Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules.

11. For children who are not legally free for adoption, legal parents input should be included in the decision-making process.

a. Background checks for dating and outings, such as school field trips, Cub Scout campouts, and activities with friends, families, school and church groups, are not necessary for participation in normal school or community activities.

b. Food and Nutrition.

(I) The licensed out-of-home caregiver shall provide nutritionally balanced meals and age appropriate snacks.

(II) Licensed out-of-home caregivers are expected to provide for any special dietary needs of foster children placed in their home.

(III) Licensed out-of-home caregivers shall not withhold food as a means of discipline or punishment.

c. Clothing and Personal Belongings.

(I) All children should be provided with their own clean, well-fitting, attractive clothing appropriate to their age, sex and individual needs, in keeping with community standards and appropriate to the season.

(II) Each child must be provided towels, washcloths, and toiletry items such as toothbrushes, combs, and hairbrushes.

(III) All children must be allowed to bring, retain and acquire personal belongings while in care. Licensed out-of-home caregivers must help each child protect and preserve possessions, which are important to the child.

(IV) Licensed out-of-home caregivers shall keep an inventory of all belongings the child brought to the home as well as those purchased or subsequently obtained for the child. When the child leaves the family home the licensed out-of-home caregiver must send along with him all serviceable clothing and personal belongings bought for, earned or given to the child. This includes any toys, bicycles, radios, or other things that are the child's personal belongings.

d. Religion and ethnic heritage. A licensed out-of-home caregiver shall cooperate with the child's services worker in arranging opportunities for a child to participate in the faith of his or her choice or that requested by the child's family. The child's services worker shall coordinate appropriate arrangements for the child's attendance at religious activities in partnership with the licensed out-of-home caregiver. An applicant whose religious belief precludes the use of a licensed medical professional shall not be licensed.

e. Discipline.

(I) Licensed out-of-home caregivers shall discipline children with kindness, consistency, and understanding, and with the purpose of helping the child develop responsibility and self-control.

(II) Licensed out-of-home caregivers shall use positive methods of discipline. Acceptable methods of discipline are reinforcing acceptable behavior, expressing verbal disappointment of the child's behavior, loss of privileges,

grounding, restricting the child to the house or yard, or sending the child out of the room and away from the family activity; and redirecting the child's activity.

(III) Licensed out-of-home caregivers shall not subject children to cruel, severe, or unusual forms of discipline.

(IV) Licensed out-of-home caregivers shall not use corporal punishments of any kind.

(V) Licensed out-of-home caregivers shall not delegate discipline or permit punishment of a child by another child or by an adult not in a caregiver role.

(VI) Licensed out-of-home caregivers shall not withhold meals, clothing, allowance or shelter as a form of discipline.

(VII) Licensed out-of-home caregivers shall not ridicule or punish a child for bed-wetting or other lapses in toileting.

(VIII) No child shall be mechanically restrained or locked in any enclosure, room, closet, bathroom or area of the house or premises, for any reason.

(IX) Licensed out-of-home caregivers shall not threaten a child with removal from the home or with a report to authorities as consequences for unacceptable behavior and shall not prohibit visitation with family and significant others as punishment.

(X) Licensed out-of-home caregivers will seek the assistance of the child's primary services worker or therapist for behavior problems.

f. Health Care.

(I) Licensed out-of-home caregivers are responsible for ensuring the child has routine medical, vision and dental care. The services worker shall promptly provide licensed out-of-home caregivers with the child's prescription medication and information regarding any medical, vision and dental interventions necessary for the child's health and well-being. Licensed out-of-home caregivers shall keep accurate records of the administering of all medications and of medical treatment and interventions.

(II) Maintaining and keeping the medical history current is the responsibility of the licensed out-of-home caregivers.

(III) Licensed out-of-home caregivers shall transport and accompany children for necessary medical, dental or other appointments. If transportation cannot be provided by the licensed out-of-home caregiver, he or she shall contact the child's services worker who shall be responsible for arranging transportation.

(IV) Licensed out-of-home caregivers shall ensure that each child who needs medical attention receives appropriate and adequate medical services promptly.

(V) Licensed out-of-home caregivers shall notify the services worker or supervising agency of any serious illness or any injury that requires medical treatment for a child. Licensed out-of-home caregivers shall notify the supervising agency immediately, if the following occur; a child requires hospitalization or emergency medical treatment; or a child dies; or any other life-threatening situation occurs.

g. Medicine.

(I) Licensed out-of-home caregivers are responsible for giving medication as prescribed and for recording the exact amount of any medication prescribed.

(II) No child shall be given prescription medication without a physician's prescription.

h. Resource Records. The child's resource record shall be maintained as set forth in paragraph 65C-30.011(5)(a), F.A.C.

i. Education. Licensed out-of-home caregivers shall work in partnership with the child's services worker to address the child's educational needs and to allow for the continuation of school attendance as per subsection 65C-30.011(7), F.A.C. To further promote visibility within the community, children in care may not be home schooled.

j. Allowances. Children in licensed out-of-home care shall receive an allowance in accordance with the bilateral service agreement. The licensed out-of-home caregiver shall not expect the child to use this allowance for purchasing personal hygiene items, school supplies, clothing or other necessities. Allowances are not to be withheld as a form of discipline. The services worker shall check with the child during each home visit to verify that the child received the allowance, and the information shall be noted in the visitation report.

(2) Licensed Out-of-Home Caregiver Responsibilities to the Supervising Agency.

(a) Licensed out-of-home caregivers must work cooperatively with the services worker as a member of a treatment team in seeking counseling, other professional services and in preparing and implementing the case plan for each child.

(b) Licensed out-of-home caregivers must provide pertinent information for judicial review hearings and administrative review conferences for children placed in their home.

(c) Licensed out-of-home caregivers shall work in partnership with the services worker to maintain child resource records as defined in paragraph 65C-30.011(4)(a), F.A.C., and in conjunction with the child's services worker.

(d) Licensed out-of-home caregivers must maintain the children's resource records in a secure manner, which insures confidentiality for the child and the child's legal parents.

(e) Licensed out-of-home caregivers must accept the child as a member of their family, and accord the child the rights and responsibilities appropriate to his age and level of maturity.

(f) Licensed out-of-home caregivers must work in partnership with the child's services worker in preparing the child to leave their family in accordance with the case plan goal, and must participate in and support the placement process.

(g) Licensed out-of-home caregivers shall only allow the child to be moved from the home by a child protective investigator or department, lead agency or supervising agency staff member, after seeing proof of identification.

(h) Licensed out-of-home caregivers shall obtain prior approval for the movement of the child to another home for purposes of respite.

(i) Licensed out-of-home caregivers shall notify the child's service worker at least two weeks in advance of vacations in which the child shall be participating.

(j) Licensed out-of-home caregivers shall assist in preparing the child to develop living skills that assist him or her as he or she grows toward adulthood.

(k) Licensed out-of-home caregivers shall notify the child's counselor of any sexually inappropriate action or behavior by the child.

(l) Licensed out-of-home caregivers shall comply with court orders, visitation plans and the case plan for any children placed in their care.

(m) Licensed out-of-home caregivers shall allow children and their legal family, including siblings, to communicate by mail and by telephone in accordance with the child's case plan and in keeping with the directions of the court.

(n) Licensed out-of-home caregivers shall not open the child's mail, monitor telephone conversations or otherwise interfere with free communication with the legal family, except as necessary to comply with the directions of the court.

(o) Licensed out-of-home caregivers shall promote social development by permitting children to engage in age appropriate social, school and employment related activities as detailed in the child's written plan for age appropriate activities according to Section 409.1451(3)(a)3., F.S.

(p) Licensed out-of-home caregivers shall support school attendance and participation and will support educational planning, i.e., college and vocational or technical programs.

(q) The licensed out-of-home caregiver shall provide children opportunities in the home and through life skills classes and other organized activities to learn and practice skills needed for independent living, such as food preparation, money management, consumer awareness, personal hygiene and appearance, housekeeping and care of personal belongings, accessing health care services, transportation, job seeking, education, study skills and interpersonal relationship building or other skills provided for in the child's independent living skills plan.

(r) The licensed out-of-home caregiver shall permit and encourage children, dependent on their age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

(s) The licensed out-of-home caregiver shall support the child's efforts to learn to drive a car, obtain a learner's permit and driver's license as appropriate for their age, maturity level, and availability of insurance. If opportunities

for driver's education are not available through the school district, the licensed out-of-home caregiver, services worker and legal parents should work in partnership to assist the youth in finding a driver's education program and in obtaining automobile insurance for children who are allowed to drive. Nothing in this section is meant to imply that the licensed out-of-home caregiver must pay for a car, or insurance on behalf of the youth in their care.

(3) Responsibilities of the Licensed Out-of-Home Caregivers to the Child's Family.

(a) Licensed out-of-home caregivers must present a positive image of and demonstrate respect for the child's own family and must agree to maintain a working relationship with the child's family members as indicated in the child's case plan.

(b) Licensed out-of-home caregivers must participate in planning and facilitating visits for the child with his parents and family members as indicated in the case plan.

(c) Licensed out-of-home caregivers must allow children and their family members to communicate by mail and telephone in accordance with the child's case plan.

(d) Licensed out-of-home caregivers must share as many parenting experiences as possible with the child's legal family, i.e.; participating in school conferences and activities, transporting the child to medical appointments, buying clothing, and attending birthday parties.

(e) Licensed out-of-home caregivers must never be openly critical of the child's legal family to the child or to others. Negative experiences and feelings should be shared with the services worker in a private setting and any indication of abuse and/or neglect shall be reported to the Florida Abuse Hotline.

(f) Licensed out-of-home caregivers must willingly share information about the child, his development, school progress, behavior, and any significant happenings with the services worker and with the legal family.

(4) Responsibilities of the Licensed Out-of-Home Caregivers to Their Own Family.

(a) Licensed out-of-home caregivers must involve their entire family in the decision to become a shelter or licensed out-of-home caregiver.

(b) Licensed out-of-home caregivers must prepare their own family for potential problems involved in providing family shelter or foster care.

(c) Licensed out-of-home caregivers must involve their entire family in each placement decision.

(d) Licensed out-of-home caregivers must discuss their decision to open their home to children with significant extended families.

(e) At the time of re-licensure the licensed out-of-home caregivers must include the entire family in evaluating the impact that licensed out-of-home care has had on their family. This joint evaluation will result in a decision to either continue providing foster care, emergency shelter care or group care or a decision that the family will not continue to provide care.

(5) Responsibilities of the Licensed Out-of-Home Caregivers to the Department and Supervising Agency.

(a) Licensed out-of-home caregivers are required to participate in at least eight hours of in-service training annually in order to develop and enhance their skills.

(b) The licensed out-of-home caregivers are required to participate in re-licensing studies and in ongoing monitoring of their home, and must provide sufficient information for the department to verify compliance with all rules and regulations.

(c) The licensed out-of-home caregivers must hold a license which is issued by the department.

(d) Licensed out-of-home caregivers shall only take for placement the children placed in their care by the lead agency or supervising agency. No plans for allowing other children or adults to reside in the home shall be made without prior approval of the supervising agency and the licensing authority.

(e) Licensed out-of-home caregivers must sign a "Child Service Agreement", CF-FSP 5227, October 2005 incorporated by reference and available at www.dcf.state.fl.us/publications/, for each child placed in their home.

(f) If the licensed out-of-home caregivers provide emergency shelter care, they must sign the "Civil Rights Certificate", CF 707, October 2005 incorporated by reference and available at www.dcf.state.fl.us/publications/. These homes are generally paid a monthly subsidy for remaining open on a 24-hour basis. The amount of the subsidy payment should be included in the agreement to provide shelter care.

(g) The licensed out-of-home caregivers must notify the supervising agency regarding changes which affect the life and circumstances of the shelter or licensed out-of-home caregiver.

(h) The licensed out-of-home caregivers must notify the supervising agency at least two weeks in advance of vacations in which the child will be participating.

(i) The licensed out-of-home caregivers must be able to accept supervision by agency staff and participate in and support case plans for children in their homes. Specifically, licensed out-of-home caregivers must be included in the development of case plans, and in carrying out these plans.

(j) The licensed out-of-home caregivers must notify the supervising agency immediately of illness or accidents involving the child.

(k) The licensed out-of-home caregivers shall notify the supervising agency immediately, day or night, if any of the following situations occur:

1. A child requires hospitalization or emergency medical treatment;
2. A child dies;
3. A child has run away, is abducted, or is absent from the home beyond reasonable expectations; or
4. Any other life-threatening situation occurs.

(l) When a foster child is believed to be missing, the licensed out-of-home caregiver shall also notify law enforcement and request that a missing child report be opened and obtain the case number, inspect the child's belongings to determine what items are missing and assist the child's services worker in efforts to locate the child.

(m) Licensed out-of-home caregivers shall notify the department and supervising agency if any child's services worker does not make a visit every thirty days. Notification of the department shall be made by calling 1-800 FLA-FIND.

(n) Licensed out-of-home caregivers shall be knowledgeable of the provisions of the federal Multiethnic Placement Act, which prohibits delay in the placement of a child on the basis of race, culture or ethnicity and the Americans with Disabilities Act.

(o) Licensed out-of-home caregivers shall provide a home environment free of drug and alcohol abuse.

(p) Licensed out-of-home caregivers shall never sign blank forms or falsify records. Falsification of any records or signatures on blank forms shall result in a revocation or denial of the foster care license.

(q) Licensed out-of-home caregivers must treat department, supervising agency and lead agency staff, a child's family, the Guardian Ad Litem, and other professionals with respect and courtesy.

(r) Licensed out-of-home caregivers must complete the "Licensed Out-of-Home Caregiver's Review of Services Worker's Performance", CF-FSP 5224, March 2007, incorporated by reference and available at www.dcf.state.fl.us/publications/, regarding children's services workers who have supervised children in the home 30 days or more.

(s) Licensed out-of-home caregivers shall obtain authorization from the department or supervising agency before spending any funds that involve a request for repayment.

(t) Licensed out-of-home caregivers shall keep confidential all information about the child and the child's family. Discussing this information shall be limited to a departmental or agency staff member, Guardian Ad Litem, or other authorized professional working with the child.

(u) Licensed out-of-home caregivers shall be knowledgeable of the Americans with Disabilities Act and shall treat foster children with disabilities with respect and include them in activities to the extent that they are able.

(v) Licensed out-of-home caregivers are responsible for complying with all applicable laws, rules, regulations or ordinances of each governmental unit in which the home is located, including but not limited to those relating to Medicaid eligibility, fire safety, sanitation, health, safety, zoning, civil rights, employment and board rate eligibility.

(6) Responsibilities of the Lead Agency and the Department to the Licensed Out-of-Home Caregiver and Children in Care.

(a) The lead agency or supervising agency will provide and coordinate training opportunities for licensed out-of-home caregivers. Licensed out-of-home caregivers shall be provided with information concerning the Multiethnic Placement Act and the Americans with Disabilities Act.

(b) The lead agency or supervising agency must share all available information on each child placed with the licensed out-of-home caregiver since they have to:

1. Make an informed decision about whether the child should be placed in their home; and
2. Provide appropriate care for the child.

(c) The child resource record, as defined in paragraph 65C-30.011(4)(a), F.A.C., must be compiled into a packet of information on each child and be given to the licensed out-of-home caregiver at the time of placement or within 72 hours.

(d) The lead agency or supervising agency must consider the licensed out-of-home caregiver's opinion in all major decisions for children in their care, including reunification, adoption or other permanency options. The supervising agency and lead agency are responsible for supporting licensed out-of-home caregivers in their decision-making and for ensuring that children in licensed out-of-home care are provided with opportunities to engage in age appropriate activities, including the development of a written plan for age appropriate activities for children age thirteen and over, according to Section 409.1451(3)(a)3., F.S. This plan shall be developed in partnership with the child's licensed out-of-home caregivers.

(e) The lead agency or supervising agency must provide licensed out-of-home caregivers notice of judicial and administrative review conferences regarding children in their care, and must encourage their attendance and participation in these reviews.

(f) The services worker will visit with the licensed out-of-home caregivers in accordance with paragraph 65C-13.028(2)(a), F.A.C., and the children in their care at least every thirty days in accordance with subsection 65C-30.007(5), F.A.C.

(g) The services worker must involve the licensed out-of-home caregivers in the development of the case plan, and the visitation plan and shall provide the licensed out-of-home caregivers with a copy.

(h) The lead agency or supervising agency must give a minimum of two weeks notice prior to moving a child unless doing so would not be in the child's best interest or upon an order by the court.

(i) Protective investigation staff must immediately investigate abuse or neglect reports against licensed out-of-home caregivers, and will notify the state attorney's office, in accordance with Section 39.202, F.S. Whenever possible a staff member from the supervising agency will accompany the protective investigator. Supervising agency staff must respond to and assess foster care referrals that involve licensed out-of-home caregivers. These policies and procedures must be discussed with all licensed out-of-home caregivers prior to licensing and again at every re-licensing.

(j) The services worker must provide the licensed out-of-home caregiver with a court order which authorizes the licensed out-of-home caregiver to obtain emergency medical treatment prior to giving approval for a child to travel outside the state with the licensed out-of-home caregiver for an extended period of time.

(k) The supervising agency will provide the licensed out-of-home caregivers with an emergency Medicaid card for the child when necessary.

(l) The community-based care provider will be responsible for securing and paying for medical, vision and dental care for children who are not eligible for Medicaid, or who need services not covered by that program.

(m) The services worker will coordinate with the licensed out-of-home caregiver in making an appointment for the initial Child Health Check Up as defined in subsection 65C-30.001(17), F.A.C., if not previously accomplished. When a child is placed in any setting in shelter status, the screening must be completed within seventy-two hours of entering shelter. The services worker will make appointments for follow-up treatment if the need for this is identified during screening and will coordinate with the licensed out-of-home caregiver in arranging transportation.

(n) The department or supervising agency may provide licensed out-of-home caregivers with identification cards at the time of licensing and re-licensing.

(o) The community-based care provider or supervising agency shall provide licensed out-of-home caregivers with the names and phone numbers of persons who should be contacted in emergencies.

(p) The services worker will provide consistent feedback to the licensed out-of-home caregivers on their work with the child in their care.

(q) The services worker will provide ongoing information on case plan progress for the child and the legal family, and will inform the licensed out-of-home caregivers of any changes in the plan.

(r) The services worker will review the child's case plan with the licensed out-of-home caregivers on each visit to the home.

(s) Agency staff shall treat licensed out-of-home caregivers with courtesy, respect and as an important team member.

(t) Education. When children are placed in licensed out-of-home care as a result of abuse or neglect, they must receive the services needed to meet their assessed academic needs, provide for educational continuity, and support their continued attachment to their legal parents and identified community. The following conditions must be met in order to ensure that children receive appropriate services to meet their educational needs and preserve their principle attachments:

1. Children must be placed in a licensed care setting that allows continued enrollment in the same school whenever possible. A placement that would require a change in school could be a reason for placement elsewhere, if that is in the best interest of the child and is documented in the case file and reported to the court.

2. All children placed in licensed out-of-home care are to receive a comprehensive health, behavioral and mental health assessment as per Rule 65C-28.014, F.A.C., and their educational needs addressed as per paragraph 65C-30.006(5)(h), F.A.C.

3. If children must be temporarily placed in a setting that requires a change in school enrollment, there must be documentation in the case record that efforts have been made to provide transportation for the child to his or her previous school.

4. If transportation is not feasible, there must be documentation in the case record regarding identification of a licensed out-of-home setting that will allow re-enrollment at the earliest opportunity, or why continued placement elsewhere is in the child's best interest.

5. The case record shall show documented efforts made to keep children's legal parents involved in the child's educational progress unless parental rights have been terminated.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 4-6-08.

65C-30.001 Definitions.

This rule includes the definitions for the following rules: Chapters 65C-13, F.A.C., "Licensed Out-Of-Home Care"; 65C-15, F.A.C., "Child-Placing Agencies"; 65C-28, F.A.C., "Out-Of-Home Care"; 65C-29, F.A.C., "Protective Investigations"; and 65C-30, F.A.C., "General Child Welfare Provisions".

(1) "Abuse, Neglect or Abandonment" means harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of the parent or other person responsible for the child's welfare. It includes those acts defined or described in Sections 39.01(1), (2), and (45), and 827.03, F.S.

(2) "Additional Investigation Report" means a report to the Florida Abuse Hotline, by the same or different reporter, made within thirty days after the date the initial report is received and containing information about one or more subjects of an open report, which adds:

- (a) New allegations of maltreatment;
- (b) New incidents of the same maltreatment contained in the initial report;
- (c) Additional victims or alleged perpetrators if they relate to the initial report;
- (d) New information alleging that the immediate safety or well-being of the child is threatened thereby changing the investigation response time from a 24-hour response to an immediate response.

(3) "Adoption Exchange System (AES)" means the department's statewide information system of children receiving adoption services, and families seeking to adopt special needs children. The system enables adoption counselors and home finders statewide to seek matches on certain traits between prospective families and children. The data base also provides a source for measurement of some adoption performance and outcome indicators and populates the department's public internet search of children available for adoption.

(4) "Adult Household Member" means a person 18 years of age or older who is present in the home on a permanent or indefinite basis or the adult paramour who frequents the home of a household member.

(5) "Allegation" means a statement by a reporter to the Florida Abuse Hotline that child abuse, neglect or abandonment is known or suspected.

(6) "Allegation Matrix" means a document that defines specific types of abuse, neglect or abandonment; guides staff in determining whether abuse, neglect or abandonment has occurred; and assists in ensuring that all factors are considered when assessing each type of maltreatment. The allegation matrix as set forth in Children and Family Services Operating Procedure No. 175-28 is attached hereto and incorporated by reference herein.

(7) "American Indian or Alaskan Native Child" means any unmarried person who is under age eighteen and is either a member of a federally recognized American Indian tribe or Alaskan village or who is eligible for membership in a federally recognized American Indian tribe or Alaskan village, and who is the biological child of a member of such an American Indian tribe or Alaskan village.

(8) "Application Packet" means the entire set of completed documents required by the child-placing agency that are provided to the department for review when requesting the issuance of a license as a licensed out-of-home caregiver.

(9) "Babysitting" means the temporary (less than twenty-four hours) and periodic in home care of children by someone other than the foster parent or a licensed child care provider.

(10) "Behavioral Health Multidisciplinary Team" means the group of people brought together by the Services Worker to plan and coordinate behavioral health and related services. Examples of team members are: the child, unless clinically contraindicated; the child's parents or legal guardian and other caregiver; the Services Worker; the child's therapists and behavioral analyst; the child's educational surrogate parent, the guardian ad litem, and other professionals based on the needs of the child and family.

(11) "Bilateral Service Agreement" means a written agreement between licensed out-of-home caregivers and the supervising agency representative that specifies each party's duties and responsibilities to children served and to the department and/or child-placing agency.

(12) "Case" means a group of one or more persons who are associated with one another and for whom the department provides services and arranges the provision of services.

(13) "Case File" means all information for a case contained in the department's statewide automated child welfare information system (SACWIS), i.e., HomeSafenet, as well as the supporting paper documentation gathered during provision of services to that family. The "case file" may also refer to a duplicate, paper copy of the electronic case file and the supporting paper documentation. The department's SACWIS is the primary record for each investigation and case.